

**October 25, 2007 Minutes of  
Bigfork Land Use Advisory Committee**

Committee members present: Darrel Coverdell, Mary Jo Naïve, Shelley Gonzales, Paul Guerrant and Phil Hanson, John Bourquin. There were 42 members of the public present.

Chairman Bourquin called the meeting to order at 4:00 PM, and called for adoption of the agenda. Agenda was approved. M/S Gonzales/Guerrant.

Minutes of the August 30, 2007 meeting were approved with corrections for spelling. M/S Naïve/Guerrant.

**ADMINISTRATOR'S REPORT:**

**A. Sign Violations:** Secretary Hanson reported correspondence with Jeff Harris that George Smith has investigated all three and feels each is in violation. The Planning department needs to be careful not to single out individuals for immediate action. The County will need to go after all sign code violations to avoid the kind of thing currently happening in Whitefish. Montana MDT is coming in next week to discuss sign violations and the county has initiated a review of the 2004 sign inventory and possible violations. The inventory will be updated soon, and at that time the County will take some form of action as best determined by the County Attorney's Office.

**B. Application Status:** Johnson Ranch LLC, Wednesday, October 15, 2007, published 30-day public notice.

**APPLICATIONS:**

**A.** A request by Quarter Circle LA Ranches, Inc., for Preliminary Plat approval of Saddlehorn II, a residential mixed use (180 residential units, 2 commercial lots and 8 open space parcels) Major Subdivision and Planned Unit Development of 558.87 acres. Lots in the subdivision are proposed to have public water and sewer systems. The property is located south of MT Highway 209 in Bigfork.

**STAFF:** Kirsten Holland presented the PUD noting that the reduced roadway size (18' travel surface) was approved with fire and emergency services. In August 2007, the Final Plat of Phase I was approved. This application will add 180 more residential lots, two commercial lots (1 small lodge and 1 trail services facility) and will increase the entire Saddlehorn development to approximately 800 acres. The developer will be mining gravel on site, which will greatly reduce truck traffic on the highways. The total of commercial lots is 1.15%, much less than can be approved. The project is in compliance with MDOT and Bigfork Water and Sewer requirements. The developer will be ready in December to present Final Plat on this phase. The final staff report is not complete, however, the Planning Office will send the report if requested.

**APPLICANT:** Doug Averill displayed a map of both the first and second phases of the development. The first phase was the Whitney property on the northwest corner of the property. The second phase is east and south of the Whitney property. The developer is just completing the installation of a 200,000-gallon water tank. The cost of the tank was shared with the Ranch Subdivision and was built to blend into the hillside. There will be two accesses off 209. A 60-foot easement has finally been acquired from Pacific Corp. There will be emergency exits through the Ranch Subdivision. He expects 7 to 12 homes starting in the next year. The project includes detailed design guidelines, which make it easier to fit buildings into natural elevations. Recreational facilities include horse, tennis and boat facilities. The project has been recognized by the US Green Building Council and is a pilot project for LEEDS (Leadership in Engineering and Environmental Design). The Saddlehorn Discovery Center, built in the location of the old bank building on Grand Avenue

is complete. The center will house the sales center and also be available for public use. A percentage of every sale will go into a Foundation to fund future Bigfork community needs. The high peaks and ridges are set aside as open space. The old redwood water storage tank, originally located on the Whitney property, will be moved to the project and used as part of a unique structure.

**Bourquin:** Do you have easement to 209? A. Yes, the paperwork is finally completed.

The application says you will expand access at Barndance Road? A. Yes, we want to take out the big curve on Ranch Road to make that access safer.

**Guerrant:** Are your employee housing, fire station and barns included in the sewer counts? A. All of it meets the requirements for sewer and water needs.

On page 4, it states some elements will be taller than the 35' limitation. Which ones? A. The Equestrian center, lookout tower and the lodge were allowed up to 45'.

**Gonzales:** It's good to hear the road access issue to Hwy 209 is resolved. Can you explain why it took so long? A. Pacific Power sold to Scottish Power who sold to Mid-America. We were finally able to go through all those entities to negotiate the easement. The power company is interested in helping turn the area along the river into a conservation easement.

As to storm water run-off, are there any cisterns in the residential area to reduce water requirements? A. Yes, the project is going to incorporate catch basins throughout. Each home is required to have a CHP (Combined Heating & Power Unit). We are also restricting landscaping to discourage lawns and encourage more natural landscaping. We have been working with Glacier Parks Nursery to provide landscape plants.

**Coverdell:** I appreciate the detail of your application. Have there been any changes since it was filed in August? A. No

**Bourquin:** What is "other" open space? A. That would be recreational open space.

Gonzales: According to the application, the homeowners will own the designated open and natural areas. Who will manage and maintain those areas? A. Saddlehorn.

**Guerrant:** Will you have enough full time homeowners to fill your homeowners association board? A. Yes. The association will deal mostly with show plowing and lights at the entries. Saddlehorn will be responsible for the maintenance of all other areas.

**Gonzales:** On Page 14 it refers to maintenance of recreation and natural areas. How is that maintained? A. The Homeowner fees go to Saddlehorn for that maintenance.

**Bourquin:** What is the pink area on the map? A. That is open space.

Is Saddlehorn II annexed into the Bigfork Water & Sewer District? A. Most of it. A few more parcels will be annexed at the next BWS meeting. Somehow 4 parcels were missed in the legal description.

**Naïve:** How large qualifies as a trophy home? A. The custom homes are limited to 4,000 square feet in the main dwelling. The footprint of many will be around 2,000 sq. ft. with daylight basements because of the terrain. The custom home lots do allow guest cottages and other buildings that may be connected by a breezeway.

## **PUBLIC COMMENT:**

**Ron McCormack:** I moved into the Ranch Subdivision 14 months ago. We have experienced incredible noise, dust and traffic on the road all summer. I'm very concerned about the traffic increase on Ranch Road. I have figured about 179 trips per day. The additional 180 homes add over 1,000 trips per day. Safety is an issue. A. The traffic you experienced was from the water project going on in the Ranch Subdivision. The traffic was not from Saddlehorn.

**Gerald Berendt:** I'm concerned about the impact of Saddlehorn from traffic whether Saddlehorn uses the road temporarily or permanently. There are only two exits/entrances and it's a fire concern. Also I am concerned about storm drainage. How do we avoid that and who will accept liability and maintenance on Ranch Road.

**Craig Wagner:** I have never seen a more complete and comprehensive plan before.

**Clint Walker:** I work for Saddlehorn. I would hope that anyone who has a problem would feel comfortable coming to us. We will work to resolve problems. I recommend folks tour Saddlehorn and see the project for themselves.

**Shannon Farris:** My property adjoins the Saddlehorn project. Where will the sewer and water lines going to run?

**Michael Potkowjak:** There are two emergency vehicle points. I'm concerned people will use Ranch Road as a short cut. I would like to assurance that those areas would be emergency vehicles only. Are firefighter accesses required by the County? A. Yes. Do the roads meet county standards? A. Yes. There are two cul de sacs that should be a 100' diameter and they are not even close. I have a letter from Nate O'Farrel, Bigfork Fire Department (filed with Secretary), which states the Pommel and Latigo cul de sacs need to meet those requirements. These projects are linked together. What's going to happen?

**Stan Converse:** Saddlehorn offers a lot of local jobs. They are hiring local contractors. Saddle has done some extensive fire clearing. I think we can work out access problems with our neighbors.

**Edd Blackler:** In the first phase, you talked about connectivity of horse and bike trails. I would like to hear how phase II will deal with that.

## **PUBLIC COMMENT CLOSED**

**APPLICANT:** Averill noted that the Ranch Subdivision took on the water project this summer. That construction tore up the roads. The traffic was not from the Saddlehorn project.

The emergency vehicle access will be gated at Lot 25 using a crash gate. We encourage foot, electric cart and horse traffic in the development. By mining gravel on site, we will eliminate 4,000 truckloads on the highway. The drainage problem began about 2 years ago with a big runoff. That problem took place prior to the beginning of Saddlehorn construction. This is a natural drainage. Homes built in the Ranch Subdivision block that drainage because homeowners did not install culverts in their driveways.

The water and sewer access will connect on the northwest corner of the property off Hwy 209.

As to emergency access and the cul de sacs, we have offered to connect them with a loop but the neighbors cannot agree. We will let the neighbors work that out.

We intend to keep construction traffic at a minimum by using a shuttle system at the central maintenance area.

Saddlehorn will repair Ranch Road up to the Saddlehorn boundary at the intersection , in the canyon, with Doubletree. Discussion was held regarding Quarter Circle offering to fix the hairpin turn which is beyond the improvement area.

## **COMMITTEE:**

**Hanson:** Move to recommend the application be accepted as presented. Coverdell seconded the motion.

**Gonzales:** I'm sure the public's concerns regarding the roads will be solved by county regulations.

**Guerrant:** Would the BWS run service through private property? A. (Spencer) If we had an easement, we could run service.

Motion passed unanimously.

The Flathead County Planning Board will hear the application on November 14, 2007, 6:00 PM at the Earl Bennett Building, 1035 First Avenue West, Kalispell.

**B.** A zone change request in the Bigfork Zoning District by Mike Touris and Chuck Sneed, from SAG-5 (Suburban Agricultural), to I-1 (Light Industrial). The property is located off MT Highway 83 and contains approximately 5.5 acres.

**STAFF:** Eric Giles noted that in the 1993 BALUP an industrial area had been identified at the corner of Hwy 83 and Echo Lake Road. Policy #4 in the plan states the plan confines industrial use to designated

areas. United Tool Rental, located on the west side of the property, started construction prior to the approval of the plan in 1993 and is considered a non-conforming use. The Planning Office does not support the I-1 zoning because it does not comply with the existing land use plan. To the north of the property are Carlisle-Johnson Park, a residential area and agricultural use. The staff considers this spot zoning, which is discouraged. The staff report is not complete because the file was reassigned from George Smith. Giles apologized for the inaccurate information sent to committee members.

**Naïve:** The properties on either side of this property are both non-conforming. What would the zoning be? A. Either commercial or industrial.

**APPLICANT:** Erica Wirtala, from Sands Engineering, introduced Chuck Sneed from United Tool. Sneed stated that he tries to keep his place neat and tidy. Tract 2B is United Tool, Tract 2 is Touris.

**Guerrant:** If the property is sold, does the use stay with the land? A. Yes. Any new use would have to go through the Conditional Use process. If the property should go 180 days without use, then the status would return to SAG-5.

Wirtala stated that she did not feel the property is suitable for a residence. The park generates traffic and noise; Martel generates traffic and noise and has a cabinet shop and generators. United Tool generates noise and has an outside PA system. Touris stated that his property is impacted on all sides. The MDOT estimates 3,700 vehicle trips per day on Hwy 83.

**Coverdell:** If zoned I-1 it could be subdivided and accommodate 5 businesses. I think this sets a precedent for other areas. A. There is no plan for subdividing; we think this is just a housekeeping issue.

**Guerrant:** I'm not in favor of spot zoning.

**Gonzales:** I agree this would be spot zoning and setting a precedent. There are many properties available with the appropriate zoning.

#### **PUBLIC COMMENT:**

**Elna Darrow:** I live close by. We are currently working on an updated plan. It appears there is a building going up on the property right now. Why would you take such a financial risk?

**Patricia Wagner:** How did the adjacent property get a non-conforming status? A. It was built prior to the approval of the BNP in 1993.

**Eric Giles:** There are many uses available under the SAG-5 zoning that would not require a zone change. They do not have a valid argument.

**Craig Wagner:** I think changing the zoning would be setting a precedent.

**Edd Blackler:** How long have you owned the property? A. Since 2006.

#### **PUBLIC COMMENT CLOSED**

Applicant answered the questions as follows:

The building being built is a 1,000 sq. ft. residential space with a large garage and storage space in back. It is set back from Hwy 83 135'.

**Guerrant:** I move we recommend the application be denied. Motion seconded by Hanson

**Guerrant:** I am concerned about spot zoning.

**Gonzales:** All your arguments fall into SAG-5 zoning. I don't know why you want to change the zoning.

**Coverdell:** I agree and am wary about starting a precedent.

**Bourquin:** You knew what you had when you bought the property. I'm concerned about spot zoning and setting a precedent.

**Hanson:** Agree that it looks like spot zoning and am concerned about setting a precedent and the possibility of strip development in this area.

**Naïve:** With all the multiple uses in the area and traffic it makes uses in this area very tricky.

The committee voted to recommend denial 5 to 1 (Naïve abstained)

The Flathead County Planning Board will hear the application on November 28, 2007, 6:00 PM at the Earl Bennett Building, 1035 First Avenue West, Kalispell.

**C.** A Zone Change request in the Bigfork Zoning District by Loyal and Marilyn Murer, from SAG-5 (Suburban Agriculture), to R-1 (Suburban Residential). The property is located at 7940 Highway 35 and contains 14.58 acres.

**STAFF:** Alex Hogle described the property as west of Hwy 35, north of the VFW, TR3AAB. It has one private residence accessed to Hwy 35 by a private drive. There are three potential development units. If the applicant were to apply for cluster development it would mean 4.37 units on 2-acre lots. R-1 build out would be 14 units. This is a reasonable request and fairly compatible with adjacent uses. Administratively the applicant should request a Master Plan Amendment and then a zone change.

**Gonzales:** Have you received any letters or comments from surrounding property owners? A. No

**Naïve:** What is the designation of the property to the north? A. R-2

**APPLICANT:** Erica Wirtala, Sands Engineering, stated that R-1 is more appropriate for this property. The property is sloping with some bedrock. This is not a site to be highly developed. With 30% needed for infrastructure, only three lots would be feasible. There is not enough acreage to ask for a Growth Plan Amendment and the owners have no immediate plans. Mr. Murer stated that the zone change is strictly a selling point.

#### **PUBLIC COMMENT:**

**Blackler:** Realistically how many residents would live there? Is there any chance to connect to the R-2 zoned area? I'm concerned about the access to Hwy 35 and Icebox Canyon. It's a natural bottleneck.

#### **PUBLIC COMMENT CLOSED**

**Bourquin:** Asked Julie Spencer, of BWS, if BLUAC were to approve R-1, what is the chance of water and sewer service? A. It is annexed into the district. There is a question about a gravity issue for the sewer service.

**Guerrant:** Is it close enough for services? A. Yes, the property owners will have to pay a latecomer fee for sewer.

**Bourquin:** What about sewer capacity? A. Spencer: We have the capacity and they can't put in wells after being annexed. The existing well can be used as grandfathered.

**Gonzales:** This has been marketed as R-1, 14-lot subdivision, subject to zone change. I checked and in less than one tenth of a mile there are 7 businesses funneling onto Hwy 35. I feel this is too dangerous an area for much more traffic.

**Naïve:** Please explain again clustering on SAG-5 and why that wouldn't work. A. They can have 15 connected units on 1 acre with open space. It is not an option on this property. Another option is a PUD, which allows more creative use of the property.

Looking at R-1 and the potential for 28 units, the PUD on Sag-5 looks like a better number for that congested area.

**Gonzales:** I move we recommend denial of the application. Bourquin seconded the motion.

Naïve: I agree that safety is an issue for more than 4 units. I think the land is beautiful and suggest the applicant come back with a plan for better access.

**Guerrant:** We can't use the map to deny a proposal. I would approve of R-1 zoning if it were connected to public water and sewer.

**Coverdell:** I think the traffic issue isn't a point. Traffic is going to be minor compared to Bear Hollow and other commercial traffic in the area.

The motion failed due to lack of majority. In favor of denial, Hanson, Naïve, Gonzales. Opposed to the motion Bourquin, Guerrant, Coverdell.

The Flathead County Planning Board will hear the application on November 14, 2007, 6:00 PM at the Earl Bennett Building, 1035 First Avenue West, Kalispell.

#### **OLD BUSINESS:**

**A. Compression Brakes:** Before we ask the MDOT for permission to put up a sign regarding Compression Brakes, we should contact Lakeside and see where they are with the issue. Craig Wagner will contact Lakeside and report back to BLUAC.

**B. Recuse Procedure:** Chairman Bourquin reminded committee members that they must declare themselves recused before any discussion, unless the discussion discloses a reason to recuse. Members are asked to leave the table. As members of the public, at that point, they may comment or ask questions.

#### **NEW BUSINESS:**

**A. Art Lieberman/Jim Kuhlman-project review:** Parties were not ready to present a review.

**B. Kevin Coats – email request for zone change to R-4:** Not present

**C. BLUAC agreement for BNP changes:** The committee discussed how to proceed with approval of changes to the BNP before forwarding to the Planning Board. It was generally agreed that the same procedure be followed as in the past. The BLUAC will review the comments and changes forwarded by the BSC after their approval. If there are changes, BLUAC will return the draft for BSC information. The secretary will compile a draft of all comments and changes to be forwarded electronically to BLUAC members, so they may study it before consideration at an open meeting.

#### **PUBLIC COMMENT:**

**None**

Meeting was adjourned at 7:45 PM

Sue Hanson  
BLUAC Secretary